SUPREME COURT, U.S.
(1) 06154 MAR 17 2007
OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

Olga M. Lansing, Petitioner

v.

Fairfax Hospital, Respondent

Petition for a Writ of Certiorari to the
Supreme Court of Virginia

PETITION FOR A WRIT OF CERTIORARI

Olga M. Lansing
95-710 Kipapa Drive #15
Mililani, Hawaii 96789
(808) 627-1580

QUESTIONS PRESENTED FOR REVIEW

I The Supreme Court of Virginia denied a "rehearing" based on earlier dismissal—Appendix A.. Dismissal was based on insufficient assignments of error, as per rule 5:17(c). Rule 5:17 does not apply since the case (three filings) was stopped before any hearing or trial could be had. Can assignments of error be made on cases where there were no hearings? Did the Supreme Court of Virginia take this in consideration?

II Assignment of error in canceling February 1, 2006, Jury Trial was cited. Why was that not sufficient for assignment of error?

III A notice of March 17, 2005, outlined requirements for a conference with the Calendar Control judge on July 7, 2005 (Appendix E). The same notice was received by the defense counsel since defense counsel was in attendance. The defense counsel raised no objection and agreed to jury trial, which was set for February 1,2006. The judge assured the Petitioner that nothing will interfere before the set date. Jury Trial was not held on February 1, 2006. Was the judge wrong in giving that assurance?

IV The defense counsel raised no objection on July 7, 2005 (see III above). Why did the Fairfax Circuit Court take the February 1, 2006, Jury Trial off the docket?

V The Supreme Court of Virginia dismissed the Case (Appendix B) based on "insufficient assignment of error." What constitutes "sufficiency" or "insufficiency"?

VI Counsel representaion was sought at the very beginning, without success (correspondence is available). There was no alternative other than to go pro se. Three successive cases were filed with the Fairfax Circuit Court for the same purpose (#CFN L220735, L226119, L20062257). Can pro se file a case and get a jury trial?

VII There is a genuine cause, straight forward material facts--malpractice, breach of standard of care, negligence and horrendous consequences. Is a Jury Trial possible?

VIII Willful Tort resulted in incarceration, wrongful death, and suffering. Does the tort Law apply?

List of Parties

Respondent: The Fairfax Hospital
3300 Gallows Road
Falls Church, Virginia 22046
Tel. (703) 698-3161

Counsel for Respondent:
Ms. Jennifer (Redmond) Muse
Blankingship & Keith
4020 University Drive, Ste 300
Fairfax, Virginia 22030
Tel. (703) 691-1235

Fairfax Hospital Appointed Physician
Dr. Vijaya Sunkara

Supreme Court of Virginia
Mr. Douglas B. Robelen
Chief Deputy Clerk
100 North 9th Street, 5th Floor
Richmond, Virginia 23219
Tel. (804) 786-6492

DISCLOSURE STATEMENT

1. Patient, Ralverdan K. W. Lansing, was admitted to Fairfax Hospital for dehydration.

2. Hospital appointed Dr. Vijaya Sunkara to be in charge of Mr. Lansing's medical care.

3. Petitioner, married to Mr. Lansing for 56 years, was the closest relative and remained at Mr. Lansing's bedside most of the time.

4. Dr. Sunkara appeared only a few times, and totally ignored the Petitioner, there was NO communication at any time.

5. Dr. Sunkara ordered the staff to forcefully remove the Petitioner from Mr. Lansing's bedside. The Police handcuffed the Petitioner in front of Mr. Lansing and took her to jail (APPENDIX G).

6. Mr. Lansing, helpless, weak in bed, witnessed handcuffing of his wife. He was overcome with panic and, as a result, suffered a stroke at the time, same evening of 02/12/03.

7. On 2/14/03 Fairfax Hospital transferred Mr. Lansing to Walter Reed Medical Center (WRMC) on life support. For the first time and two days later the Petitioner got to see her husband thinking he will wake up and we can resume our conversation. Was I in for a shock ...

when Dr. Scott Johnson, WRMC physician, disclosed awful news—Mr. Lansing will not wake up, he was on life support and WRMC could not save him then. Had the stroke occurred at WRMC, Mr. Lansing would have been saved--this was possible only within six hours of stroke occurrence.

8. Upon sending the spouse to jail, the Fairfax Hospital ceased all medical care, attempted nothing to save Mr. Lansing.

9. Mr. Lansing was left alone to die without his loved ones at his bedside.

10. Life expectancy on life support was three months, Mr. Lansing died two months later (4/12/03).

11.The Fairfax Hospital is responsible for wrongful death.

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AUTHORITIES

The Constitution of the United States

The right to a Jury Trial

Amendment VII (1791)

> "In Suits at common law, ...
> the right of trial by jury shall be
> preserved, and no fact tried by jury,
> shall be otherwise re-examined in
> any Court of the United States, than
> according to the rules of the
> common law."

(The Seventh Amendment to the U. S. Constitution guarantees the right to a Jury Trial.)

Tort Law.

STATEMENT

A. Virginia Courts –

1. Fairfax Circuit Court. The same case was filed with the Fairfax Circuit Court of Virginia three times The Petitioner asked for a JURY TRIAL.

a. Overall:
(1) No trial was held.
(2) No hearings were held.
(3) No written notifications.
(4) On oral inquiry only, the Petitioner learned of dismissal in each instance.
(5) No opinions, no decisions.
(6) All kept behind closed doors, in secrecy, possibly driven by Defense.

b. Closest to realization of a Jury Trial .--
(1) The case progressed in the right direction when on July 7, 2005, the Calendar Control judge set February 1, 2006, as the date for jury trial.
(2) The defense counsel was present raised no objection and was in agreement.

(3) The March 17, 2005, notice set the Requirements for the conference with the Calendar Control judge on July 7, 2005 (Appendix E). This gave ample time for the defense counsel to raise any objections if they had any.

(4) The judge offered assurance that the case will go forward and the jury trial will be held on February 1, 2006 without any interference.

(5) Jury trial did not take place.

(6) The defense counsel apparently violated its own consent of July 7, 2005, and set out to cancel the jury trial at all costs.

(7) At no time did the defense counsel or court notify the Petitioner of any upcoming hearings, if there were any, except March 17, 2005 (Appendix E)..

(8) Petitioner traveled thousands of miles from Hawaii to be in Fairfax court for February 1, 2006, jury trial. On arrival at the court only to find out that the jury trial was not on the docket.

(9) The defense counsel apparently explored all legal loopholes and illegal ways, recognizing weaknesses of judges to achieve their goal; i.e., canceling the Jury Trial.

(10) In one instance the defense counsel was caught outright lying to the judge; and the judge overlooked such significant event.

(11) At an early stage of litigation, the Petitioner provided the court and the defense Counsel with Petitioner's current address and telephone number including a note that the Petitioner is open to receive telephone calls 24/7, regardless of time zone.

(12) If a hearing were to be held, then the counsel or the court was to arrange a telephone conference (the rule of being more than 50 miles away from the courthouse).
No attempt was made to call.

2. The Supreme Court of Virginia
   a. Made a mistake in technicality of "insufficient assignments of error," resulting in dismissal (Appendices A and B).
   b. Gave no other meaningful explanation. (See query to the Chief Justice seeking answers, response is pending--Appendix F).
   c. Refused to reveal the name(s) of judges who ruled on the case.

2. The Virginia court system is a big mystery.

B. Personal Tragedy -

1. Mr. Lansing did not feel well, he was dehydrated. After a visit to the clinic, he was transferred to the Fairfax Hospital.

2. Dr. Vijaya Sunkara was assigned by the hospital to manage Mr. Lansing's care.

3. Dr. Sunkara appeared only a few times and totally ignored the Petitioner, who was left wondering if Dr. Sunkara spoke English.

4. Petitioner tried to communicate through nurses, that Mr. Lansing could not tolerate certain procedures; e.g., endoscopy, etc.

5. Apparently, Dr. Sunkara did not get the word or set out on her own motive. Dr. Sunkara ordered all the procedures possible on a human body that Mr. Lansing did not need. Conclusion: for economic gain (charges against Medicare).

6. It was not the first hospitalization. In previous hospitalizations, not in Fairfax Hospital, the hospital staffs encouraged Petitioner's presence and emphasized how important it was, they even provided reclining chairs for comfort—very compassionate and understanding.

7. Dr. Sunkara ordered her staff to remove petitioner from Mr. Lansing's bedside. The staff called police.

8. As Petitioner was talking to her husband, holding his hand, police arrived. They handcuffed the Petitioner in front of her husband. This was the last straw. His last words were "don't cry."

9. Petitioner's husband was from a military family and his own distinguished military career, who was always a law abiding citizen, he never had even as much as a speed ticket in his lifetime. And now, he was witnessing handcuffing of his wife and forceful removal .... Petitioner was hysterical as the police carried Petitioner to jail.

10. Mr. Lansing, as much as he would have wanted to, was not able to rise to assist; it was beyond his power and more than he could take.

11. As petitioner was put in jail (Appendix G) behind locked door, stripped of all clothing, laying on a concrete block, Petitioner was wondering what was happening to her husband and if he will survive. He did not. Mr. Lansing suffered a massive stroke within an hour of Petitioner's incarceration, learned later. Fairfax Hospital did not monitor Mr. Lansing and did absolutely nothing to save him.

12. Upon release from jail and at the first opportunity to see Mr. Lansing again was at Walter Reed Medical Center (WRMC) where Dr. Scott Johnson asked the Petitioner to sit down to reveal Mr. Lansing's condition.

13. Devastating news, breathtaking, unbelievable—
(a) Mr. Lansing was on life support and could remain in that state up to three months;
(b) had the stroke occurred at WRMC, they would have saved Mr. Lansing by a procedure that would restore the stroke damage within six hours of its happening; two days later was too late.

14. Realization was setting in--Petitioner will never be able to talk to her husband again. After all, when Petitioner was forcefully pulled away from Mr. Lansing's bedside, he was very alert, talkative and engaged.

15. Mr. Lansing was left to die alone; there was nobody at his bedside that cared. How did he feel the last moments of his life …He died abandoned.

16. Fairfax Hospital did nothing to help Mr. Lansing at the critical time of stroke happening. They put him through all the unnecessary procedures, used him, and in the final move, turned him over to WRMC.

17. There was no regard for human life and dignity.

18. Dr. Sunkara exemplified medical malpractice.

19. Dr. Sunkara's conduct was totally foreign to our culture.

20. Medical records Fairfax Hospital provided were mixed up with records of another patient.

21. The Fairfax Hospital is responsible for Mr. Lansing's death and for permanent injury on me.

22. I brought my husband on life support to his native land of Hawaii where he died at home on April 12, 2003, exactly two months after the stroke.

23. Traveling from West to East and back many times, as was necessitated by the Fairfax Circuit Court, people listen to my story how my husband died in disbelief, and all felt that it was sound causation for legal redress.

24. I feel hurt today as in 2003; I share my time between the grave and home—totally miserable existence—all due to the Fairfax Hospital experience.

C. All of the above is the basis for jurisdiction and reasons for granting a Writ of Certiorari.

CONCLUSION

This case is appropriate for review by this Court. The physician breached the standard of care, medical malpractice and customs of the United States, resulting not only in injury, but wrongful death. Causation is clear The Fairfax Circuit Court erred in taking the case off the docket for February 1, 2006, jury trial as was ordered by the Calendar Control judge on July 7, 2005. The Supreme Court of Virginia was searching for a technicality to dismiss the case; however insufficient "assignments of error" is not appropriate. There is tort liability and Constitutional right to a jury trial. Petitioner respectfully requests that this Court grant a Writ of Certiorari.

Respectfully submitted,

Dated:
May 11,2007

Olga M. Lansing
95-710 Kipapa Dr., #15
Mililani, Hawaii 96789
(808) 627-1580

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 18th day of January, 2007.

Olga Mary Lansing, Appellant,

Against Record No. 061749
Circuit Court No.
CL2006-0002257

Fairfax Hospital, Appellee,

Upon a Petition for Rehearing.

On consideration of the petition of the Appellant to set aside the judgment rendered herein on the 19th day of September 2006, and grant a rehearing thereof, the prayer of the said petition is denied.

A copy,

Teste:

Patricia L. Harrington, Clerk
By: /s/ Ebley Edwards
Deputy Clerk

(reformatted) APPENDIX A

VIRGINIA:

In the Supreme Court of Virginia
held at the Supreme Court Building in
the City of Richmond on
Tuesday the 19th day of September 2006.

Olga Mary Lansing, Apellant

against Record No. 061749
Circuit Court No. CL2006-0002257

Fairfax Hospital, Appellee

From the Circuit Court of Fairfax County

Finding that the appeal was not
Perfected in the manner provided by
Law because the petition for appeal
Does not contain sufficient assignments
Of error that comply with the
Requirements of Rule 5:17©, the Court
Dismisses said petition filed in the above
Styled case.

A copy,

Teste:
Patricia L. Harrington, Clerk
by: /s/ Ebley Edwards
Deputy Clerk

(reformatted) APPENDIX B

JURISDICTIONAL STATEMENT
And REASON FOR WRIT

1. On January 18, 2007, the Supreme Court of Virginia ratified September 19, 2006, dismissal (Appendix A).

2. On September 19, 2006, the Supreme Court of Virginia dismissed the case based on insufficient assignments of error (Appendix B).

3. Rule 5:17(c) (Appendix D) pertains to assignments of error on cases which were heard and a ruling/judgment/order issued.

4.The problem is how to assign an error to a case(s) which was not heard and no ruling/judgment rendered.

5. It was pointed out to the Virginia Supreme Court that assignment of error occurred when the Fairfax Circuit Court took the case off the docket for February 1, 2006, jury trial. That was very significant; however, not sufficient enough for the court to consider as assignment of error.

APPENDIX C

6. On March 17, 2005, Fairfax Circuit Court Scheduling Conference Law Track issued specific instructions in preparation for the upcoming Calendar Control conference with a judge on July 7, 2005 (Appendix E). Conference took place on July 7, 2005, as scheduled, judge assigned February 1, 2006 for jury trial.

7. Above notice clearly instructs "BEFORE the Scheduling Conference resolve all demurrers, pleas in bars, motions to quash process and other special pleas." Defense Counsel was present, had no objection, and agreed to Jury Trial. The judge then assured the Appellant that nothing will interfere between July 7, 2005 and February 1, 2006, the date of the Jury Trial.

REASON FOR WRIT

1. Fairfax Circuit Court erred in canceling February 1, 2006, jury trial.

2. The Supreme Court of Virginia failed to recognize the most significant element of the process which was to recognize cancellation of jury trial as sufficient assignment of error.

3. Therefore, the Petitioner pleads for a writ to allow jury trial.

APPENDIX C

Rule 5:17(c)

Rule 5:17(c) Form and Content. – Under a separate heading entitled "Assignments of Errors," the petition shall list the specific errors in the rulings below upon which the appellant intends to rely. … Where appeal is taken from a judgment of the Court of Appeals … . An assignment of error which merely states that the judgment or award is … .

(Clarification: (a) Court of Appeals and the Supreme Court of Virginia, I believe, is one and the same. This case was forwarded from Fairfax Circuit Court to the Supreme Court of Virginia. Rule 5:17(c) addresses Court of Appeals.
(b) the underscored words in above quotation, indicate that assignments of errors are made on cases that had rulings, judgments or awards. Case in point did not reach any hearing and no rulings/orders were issued. Therefore, "assignments of error" is not Appropriate, short of the canceled Jury Trial.

APPENDIX D

FAIRFAX CIRCUIT COURT NOTICE OF SCHEDULING CONFERENCE LAW TRACK

(Partial quotations only) Dated 3/17/2005

"You are to appear for the Scheduling Conference at 08:30 AM on Thursday, July 7, 2005, on the fifth floor of the Judicial Center ... . Please make SURE that all of the following things have been taken care of BEFORE the Scheduling Conference.

5. Resolve all demurrers, pleas in bars, motions to quash process and other special pleas. ... ."

[Explanation: The defense counsel received the same notice. The defense counsel was in attendance, had no objection, introduced none of the items (see 5 above) and was in full agreement on Jury Trial, scheduled by the judge to be held on February 1, 2006.]

APPENDIX E

95-710 Kipapa Dr. #15
Mililani, Hawaii 96789
March 30, 2007

Mr. Leroy R. Hassell, Sr.
Chief Justice
Supreme Court of Virginia
Supreme Court Building
100 North 9th Street, 5th Floor
Richmond, VA 23219

RE:061749

Dear Mr. Hassell:

Recently I learned that your court issued an order, dated January 18, 2007, denying me a JURY TRIAL.

As I am sure you are well aware that time is of the essence in the court proceedings. I would like to know why the order was not mailed to me. It was a month later and only on my inquiry to your court that I learned of the denial. Is it not customarily that the order would be mailed to the Plaintiff when issued? And if the order was mailed, I would like to know where was it mailed to?

I would like to know what basis was used for denial.

I live the tragedy every day. How would you feel to be forcefully removed from the bedside of a loved one, handcuffed, thrown in jail naked on a concrete block, while your loved one, witnessing such a horror consequently is experiencing a stroke and death alone?

I spent thousands of dollars in the process of seeking a JURY TRIAL. The Fairfax Circuit Court extorted over a thousand dollars in my three filings for a Jury Trial. I spent thousands of dollars for the case associated travels. On July 7, 2005, when a firm date for a jury trial was established; i.e., February 1, 2006, it was not firm at all, was the judge wrong? What is this? It was a great disappointment. When I appeared in court on February 1, 2006, for the JURY TRIAL, as scheduled by the judge, the case was not on the docket and nobody could give me an explanation. And, now, your court, The Supreme Court of Virginia, is supporting the Fairfax Circuit Court WRONG decisions in denying a JURY TRIAL. Why? Why? Why? Open your eyes, open your mind and do what is just.

APPENDIX F

The defense and the Virginia court system, including your court now, stonewalled my plea without any bases, relying only on defense hypothetical assumptions, to preclude a JURY TRIAL.

It was intentional, premeditated and WRONG. There were no missed technicalities in the process to "kill the case." The whole thing is ludicrous. There were to be NO BRAIN power on the part of any of the judges or your clerks, all I asked for was a JURY TRIAL.

Instead of putting people through, what your courts did to me, it would be much simpler, to post a big sign at the Circuit Court in-take counters that "NO PRO SE FILLINGS ARE PERMITTED OR ACCEPTED," to preclude extortion, torment and aggravation. Be decent about it. It is in your power domain to post such a sign.

Please respond.

Sincerely,

Olga M. Lansing
(808) 627-1580

APPENDIX F

1g

FAIRFAX COUNTY
OFFICE OF THE SHERIFF
STAN G. BARRY, SHERIFF
10520 JUDICIAL DRIVE
FAIRFAX, VA. 22030
703-243-2100

July 22, 2004

To whom it may concern:

MS. OLGA M. LANSING was incarcerated in the Fairfax County Adult Detention Center, Commonwealth of Virginia Freedom of Information Act, in regards to incarcerated persons, prohibits any dissemination of official jail documents to any non-judicial persons. However, we are allowed to divulge the dates of incarceration. The person in question was incarcerated on the following dates and charges:

From 02/12/2003
To: 02/12/2003

Fairfax County Adult Detention Center
Inmate Records

/s/_____

(reformatted) APPENDIX G

12

(2)

No. 06-1546

FILED
OCT 17 2007
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In the

Supreme Court of the United States

Olga M. Lansing, Petitioner

v.

Fairfax Hospital, Respondent

Petition for Rehearing of Order Denying Certiorari
To the Supreme Court of Virginia

PETITION FOR REHEARING

Olga M.Lansing
95-710 Kipapa Drive #15
Mililani, Hawaii 96789
(808) 627-1580
after 12/22/07

PETITION FOR REHEARING

The petitioner herein respectfully moves this Court for an order (1) vacating its denial of the petition for writ of certiorari, entered on October 1, 2007, and (2) granting the petition. As grounds for the motion, petitioner states the following:

1. THE GRANT OF CERTIORARI IN LANSING v. FAIRFAX HOSPITAL

This is a Constitutional issue. The Seventh Amendment to the U. S. Constitution guarantees the right to a jury trial.

Wrongful death resulted from Fairfax Hospital physician's instructions to incarcerate the spouse—the "blow" the patient could not tolerate. Notarized Certificate of Good Faith is at Appendix A.

2. RELIEF SOUGHT

The case be remanded to the Virginia Supreme Court for a JURY TRIAL.

Respectfully submitted,

October 15, 2007

Olga M. Lansing
95-710 Kipapa Drive, #15
Mililani, Hawaii 96789
Tel. (808) 627-1580
after 12/22/07

CERTIFICATION

I certify that this PETITION FOR REHEARING of May 11, 2007, writ of certiorari is presented in good faith.

Dated: October 15, 2007

Olga M. Lansing
95-710 Kipapa Drive #15
Mililani, Hawaii 96789
Tel. (808) 627-1580
After 12/22/07

STATE OF HAWAII
CITY & COUNTY OF HONOLULU } ss:
On this 15th day of October, 2007, before me personally appeared olga M. Lansing, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that She executed the same as her free act and deed.

Notary Public, First Judicial Circuit, State of Hawaii
My commission expires April 8, 2011

SHEI-YU BUNCH
NOTARY PUBLIC
STATE OF HAWAII

APPENDIX A